

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

Pursuant to Federal Rule of Civil Procedure 23, Plaintiff Ria Schumacher and Defendant SC Data Center Inc., (“Defendant”), jointly move the Court to enter an order granting final approval to the Parties’ conditional Settlement¹. In support of this motion, the Parties submit their Memorandum of Law and state as follows:

1. On March 16, 2017, this Court granted preliminary approval to the Parties' Settlement and directed that the Court-approved Notice be sent to the Class Members.
2. Following the Court's grant of preliminary approval, the Parties and their settlement claims administrator have complied with this Court's order and the requirements of the

¹ On July 15, 2016, Defendant filed a motion to dismiss Plaintiff's Complaint pursuant to Rule 12(b)(1) and Rule 12(h)(3) of the Federal Rules of Civil Procedure asserting that Plaintiff lacks standing. The Court denied Defendant's motion to dismiss and subsequent motion for an order certifying this case for Interlocutory Appeal under 28 U.S.C. § 1292(b). In doing so, the Court ordered that the Parties submit their proposed settlement documents in this matter, which the Parties have done. However, Defendant maintains its position the Court lacks subject matter jurisdiction and that this matter should be dismissed, and is participating in the settlement procedure and joining in the submission of this Motion and related Memorandum of Law only because it has been expressly ordered to do so by this Court. Defendant reserves all rights to appeal any Final Order and Judgment and all interlocutory Orders by the Court.

Settlement Agreement². Notice of the Settlement has been sent to all Class Members, including a second mailing where it was necessary and possible, and the dates for the filing objections and requests for exclusion (opt-outs) have passed.

3. Zero Class Members have objected to the Settlement, and only twenty-one Class Members have elected to opt out.

4. A proposed order is attached to the Parties' Memorandum of Law filed in support of this motion.

WHEREFORE, the Parties respectfully request that this Court grant final approval to the Settlement.

Dated: September 20, 2017

Respectfully Submitted:

By: /s/ Charles Jason Brown
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Attorneys for Plaintiffs

Defense Counsel makes note that Plaintiff's Counsel did not file a separate Petition for Approval of Attorneys' Fees and Costs at least 21 days prior to the Final Fairness Hearing, but Plaintiff's counsel makes note that it included the application for fees and expenses within the Motion for Preliminary Approval

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was filed via the ECF system and notice was sent via the ECF system to all counsel of record.

/s/ C. Jason Brown
Attorney for Plaintiff